



Judicial Discipline & Disability Commission

JUDGE JOYCE WILLIAMS WARREN
CHAIRMAN

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DAVID J. SACHAR
EXECUTIVE DIRECTOR

P R E S S R E L E A S E

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FOR IMMEDIATE RELEASE

March 3, 2017

The Arkansas Judicial Discipline and Disability Commission today announced that a dismissal has been issued to the Eighteenth East Judicial District Judge Wade Naramore of the Second Division Circuit Court in Garland County, in Commission case #15-245, et. al. A copy of the dismissal letter to Judge Naramore follows this press release.



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March 3, 2017

Honorable Wade Naramore
Eighteenth East Judicial District, Division 2
607 Ouachita Avenue
Hot Springs, AR 71901

Re: JDDC #15-245 et al.

Dear Judge Naramore:

A Judicial Discipline & Disability Commission Investigation Panel reviewed multiple complaints against you as a result of the death of your son on July 24, 2015. An investigation was conducted to determine if any of the allegations might constitute a basis for action by this Commission for either disciplinary reasons or disability reasons.

Each complaint filed against you by private citizens was merged into JDDC Case No. 15-245 which was a complaint filed by me on July 30, 2015. The Panel-authorized investigation continued from July 30, 2015 through current and included consideration of the criminal negligent homicide case against you as well other information obtained from a 3rd party. You were acquitted of all criminal charges on August 19, 2016. Because there is no criminal conviction against you and because there was no precedent related to any ancillary issues demonstrating a violation of Rule 1.1 or 1.2, the Panel voted to dismiss all discipline related allegations against you.

Regarding the disability aspect of the JDDC investigation, the Investigation Panel assigned to your complaints recommended you be examined by an industrial psychologist to determine your competence to perform the obligations and responsibilities of the bench in accordance with the Arkansas Code of Judicial Conduct, which states:

The judiciary plays a central role in preserving the principles of justice and the rule of law. Inherent in all the Rules contained in this Code are the precepts that judges, individually and collectively, must respect and honor the judicial office as a public trust and strive to maintain and enhance confidence in the legal system.

....

Judges should maintain the dignity of judicial office at all times, and avoid both impropriety and the appearance of impropriety in their professional and personal lives. They should aspire at all times to conduct that ensures the greatest possible public confidence in their independence, impartiality, integrity and competence.

Included in the Panel's review of all disability related allegations were the following factors of competence for judges. Additionally, the examining psychologist, Dr. Kim Dielmann, considered the following factors during her examination process:

Professional/legal competence and personal competence

A judge must preserve impartiality in all steps of a judicial proceeding;

A judge must be well informed of the law and knowledgeable about the cases brought before the court;

A judge must uphold fairness to all litigants and counsel in accordance with the Arkansas Code of Judicial Conduct;

A judge must be of good moral character;

A judge must be of sound mind at all times;

A judge must be able to engage in critical thinking;

A judge must possess the ability to focus attention for long periods of time;

A judge must be able to reason and problem solve;

A judge must possess cognitive skills for decision making, and

A judge must be able to effectively communicate.

It was the psychologist's opinion that you are mentally fit to return to the position of circuit court judge. Your problem solving skills appear to be intact and you have taken the appropriate steps to address the trauma suffered by you as a result of the incident on July 24, 2015. There is no apparent reason to believe, at this time, that you are unable to perform the obligations of circuit court judge.

The Panel carefully considered the matter in light of the Canons and case law and determined:

1. It is not an obligation of the JDDC to retry criminal cases.
2. There is no present indication that you are affected by a mental or physical disability that would impair your ability to conduct the obligations of your role as a judge in Arkansas. You provided relevant records. You spent several hours with Dr. Dielmann being interviewed. Dr. Dielmann reviewed hundreds of pages of records, transcripts as well as criminal case file contents to make her determination.
3. You were reinstated to the bench by the Arkansas Supreme Court on February 23, 2017. You were serving a suspension with pay (by agreement) under Rule 10 of the JDDC. The suspension began after you were charged with the crime of Negligent Homicide. Although the JDDC was still considering a novel issue that remained unresolved, the Court granted your relief. The Court was aware of all issues and the timeline in this case. While many of the documents are redacted, there were over 50 pages of records, official documents and argument presented to the Court by way of the parties supplying the Court with simultaneous reports tendered on January 31, 2017 and February 21, 2017. The Court explained their reasoning for reinstatement in their *Per Curiam* on February 23, 2017. All issues in this case would ultimately be subject to Supreme Court review.

The Panel carefully considered the information they obtained in order to release to the public a basic timeline of events:

July 24, 2015 - Thomas Naramore was pronounced dead while in your care and custody.

February 11, 2016 - State of Arkansas issued a warrant charging you with violation of Ark. Code Ann. §5-10-105, Negligent Homicide, a Class A misdemeanor.

February 18, 2016 - The Arkansas Supreme Court granted the Joint Petition to suspend you from your judicial duties pending the outcome of all disciplinary proceedings.

August 19, 2016 - A jury of your peers acquitted you of the above referenced charges.

September 30, 2016 - Examination by the Investigation Panel authorized Industrial Psychologist occurred.

October 25, 2016 - The Investigation Panel reviewed the report of Psychologist. At this time all documents requested were compiled and presented to the Panel (trial transcripts, the file from the special prosecuting attorney, the file from the Hot Springs Police Department, etc.).

November 15, 2016 - The Investigation Panel assigned to your complaints considered all evidence gathered by the JDDC regarding the disability issue.

November 21, 2016 – Defense counsel presented Executive Director Sachar with new information not previously considered or addressed. This information necessitated further research and investigation by the JDDC.

December 6, 2016 -- Faced with new information the JDDC Investigation Panel began researching and evaluating the effect it could have on the ultimate determination of whether the Code of Judicial Conduct was violated. They also agreed with your counsel to not go forward with potential votes on disciplinary issues until you had a chance to address any issue that might arise from the 3rd party information.

January 31, 2017- The Arkansas Supreme Court asked for a status report from both parties concerning the Rule 10 suspension with pay that was in effect since the Court imposed it via agreement on February 18, 2016.

February 21, 2017- The Arkansas Supreme Court asked for a response to the previously tendered status reports from both parties concerning the Rule 10 suspension with pay.

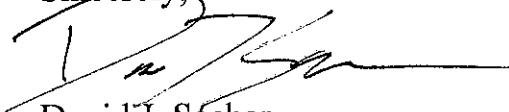
February 23, 2017- The Arkansas Supreme Court set aside the Rule 10 suspension with pay by issuing a *Per Curiam* opinion and mandate.

As the allegations against you had widespread notoriety and were a matter of public record the Panel discloses the information in this letter pursuant to Rule 7 (C)(5) of the Rules of Procedure of the Judicial Discipline & Disability Commission. The Commission recognizes the uniqueness of this situation in the history of Arkansas and even as a matter of first impression in national judicial discipline cases. The Investigation Panel did not take their responsibility lightly, nor do they perceive that you do in your role as a judge. Your cooperation, and that of your counsel, was appreciated and certainly helped to make this difficult and tragic situation much less adversarial.

The investigation initiated by these complaints did not reveal sufficient evidence of judicial misconduct, wrong doing or incapacity within the Commission's jurisdiction. As a result of this finding, there is insufficient cause to proceed and these complaints are dismissed.

This dismissal notice is the Commission's final notice in these complaints and is public information.

Sincerely,

A handwritten signature in black ink, appearing to read 'David J. Sachar', written over a horizontal line.

David J. Sachar
Executive Director